

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEFENDERS OF WILDLIFE, et al.,
Plaintiffs,
v.

U.S. FISH AND WILDLIFE SERVICE, et
al.,
Defendants.

WILDEARTH GUARDIANS, et al.,
Plaintiffs,
v.

DEBRA HAALAND, U.S. SECRETARY
OF THE INTERIOR, et al.,
Defendants.

NATURAL RESOURCES DEFENSE
COUNCIL, INC.,
Plaintiff,
v.

UNITED STATES DEPARTMENT OF
THE INTERIOR, et al.,
Defendants.

Case No. 21-cv-00344-JSW
21-cv-00349-JSW
21-cv-00561-JSW

**ORDER SCHEDULING DEADLINES
AND VACATING CASE
MANAGEMENT CONFERENCE**

1 These three related cases are scheduled for a case management conference on July 9, 2021.
2 The Court has received and considered the joint case management statement from the parties in
3 these three related cases, and it HEREBY VACATES the case management conference. IT IS
4 HEREBY ORDERED that the case management conference statement is adopted, except as
5 expressly modified by this Order.
6

7 It is further ORDERED that:

8 1. The Court will grant the *WildEarth Guardians* Plaintiffs' request to file an
9 amended complaint for the sole purpose of removing any claims it does not intend to pursue on
10 summary judgment. *WildEarth Guardians* Plaintiffs shall file this amended complaint by no later
11 July 12, 2021.

12 2. The parties anticipate resolving these matters through cross-motions for summary
13 judgment. The parties have agreed to consolidation of the summary judgment briefing and
14 hearing under Federal Rule of Civil Procedure 42(a). Plaintiffs shall coordinate and file a joint
15 motion for summary judgment. Federal Defendants and Intervenor-Defendants shall each respond
16 to Plaintiffs' joint brief in single briefs. Amici curiae shall each be limited to one brief of no more
17 than 25 pages.

18 3. The Court adopts the briefing schedule proposed by the parties at page 9 of the
19 joint case management statement:

20 Plaintiffs shall file their joint cross-motion for summary judgment by no later July 16,
21 2021.

22 Federal Defendants shall file their opposition and cross-motion by August 20, 2021.

23 Intervenor-Defendants shall file their opposition and cross-motion by August 27, 2021.

24 Plaintiffs shall file their opposition and reply by September 15, 2021.

25 Federal Defendants shall file their reply by October 8, 2021.

26 Intervenor-Defendants shall file their reply by October 15, 2021.

27 Amicus briefs supporting Defendants' cross-motions for summary judgment shall be filed
28

1 by August 31, 2021. Proposed amicus briefs supporting Plaintiffs, if any, shall be filed by
2 July 23, 2021.

3 4. The parties have proposed page limitations that exceed those permitted by this
4 Court's Civil Standing Order. *See* Civil Standing Order ¶ 9. However, the Court will grant the
5 parties some additional pages to present their arguments to the Court. Plaintiffs' joint opening
6 motion shall not exceed 50 pages. Federal Defendants' cross-motion and opposition shall not
7 exceed 50 pages. Intervenor-Defendants' cross-motion and opposition shall not exceed 50 pages.¹
8 Plaintiffs' joint opposition and reply shall not exceed 35 pages. Federal Defendants' and
9 Intervenor-Defendants' replies shall not exceed 35 pages. If the parties believe that they will
10 require additional pages to present their arguments, they must submit a request to the Court by no
11 later than July 9, 2021, demonstrating good cause for an enlargement of these limitations.

12 5. The Court schedules the hearing on the cross-motions for summary judgment on
13 Friday, November 12, 2021, at 9:00 a.m.

14 6. The Court will not refer this matter for an ADR procedure. If any party later
15 wishes to participate in an ADR process, they may submit a stipulation or an administrative
16 motion to the Court.

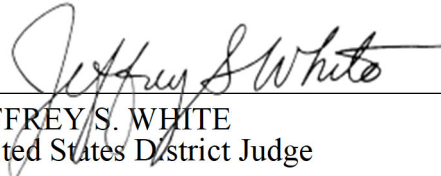
17 7. No provision of this order may be changed except by written order of this Court
18 upon its own motion or upon motion of one or more parties made pursuant to Civil L. R. 7-1 upon
19 a showing of very good cause. A motion may take the form of a stipulation and proposed order
20 pursuant to Civil L.R. 7-1(a)(5) and Civil L.R. 7-12, but the parties may not modify the pretrial
21 schedule by stipulation without a Court order. If the modification sought is an extension of a
22 deadline contained herein, the motion must be brought before expiration of that deadline. A
23 conflict with a court date set after the date of this order does not constitute good cause. The parties
24 are advised that if they stipulate to a change in the discovery schedule, they do so at their own risk.

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26
27 ¹ Intervenor-Defendants shall avoid duplicative briefing of matters already covered Federal
28 Defendants' briefs. (*See* Dkt. No. 34, Order Granting Motion to Intervene.)

The only schedule that the Court will enforce is the one set in this order. Additionally, briefing schedules that are specifically set by the Court may not be altered by stipulation without a Court order; rather the parties must obtain leave of Court.

IT IS SO ORDERED.

Dated: July 2, 2021


JEFFREY S. WHITE
United States District Judge